

REMARKS

Claims 1 to 23 were pending at the time of examination. Claims 1 to 5, 10 to 15, and 20 to 23 stand rejected as anticipated. Claims 6 to 9 and 16 to 19 stand rejected as obvious.

Claims 1, 11 and 21 are amended to make it clear that physical characteristics of a bitmap is being compared with the physical characteristics of bitmaps stored in a cache.

Claims 1 to 5, 10 to 15, and 20 to 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,592,594 to Cahoon, hereinafter Cahoon.

The Examiner again stated:

. . . Cahoon **discloses** (emphasis in original) a method for retrieving images for display on an output device(printer 10), said method comprising: retrieving a bitmap from a cache(character cache 26) when the bitmap generates a match with an image selected for display on said output device(printer 10)(..font character data is maintained in a cache memory in bit map form...during a print operation...character cache 26 is searched...if a match is found...a pointer to character cache 26 is returned...col. 1, lines 55-56; col. 3, lines 1-15); and storing in the cache a bitmap representing the selected image, if the selected image does not generate a match with any bitmap stored on the cache(character cache 26) (...if a match is not found...signifying that the character is not in character cache 26...to make room in character cache area 26 for the new character data...col. 3, lines 15-21).

In the "Response to Amendment," the Examiner also stated:

during a print operation . . . cache 26 is searched to determine if the requested character is in cache 26 . . . if a match is found . . . a pointer to character cache 26 is returned . . . if there is room to put new character . . . if not make room in . . . cache 26 for the new character data . . . col. 3, lines 1-20.

Applicant respectfully continues to traverse the anticipation rejection of Claim 1. This rejection is identical to that originally presented in paper no. 2, despite the fact that the claim has been amended. In addition, the above comment is identical to that presented in the final office action.

Accordingly, Applicant has taken the above Examiner comment as part of the rejection even though it is not presented as such. Also, repeating the same comments over fails to address the specific issues raised by Applicant, and fails to explain why the cited MPEP sections are not applicable, or have been incorrectly interpreted by Applicant.

Applicant notes that in Examiner's comments, the reference has been selectively dissected and much of the teachings in the reference dropped. The Examiner has failed to cite any basis or reason for such selective reading of the reference. The MPEP, as has been repeatedly pointed out, requires:

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP § 2231, 8th Ed., Rev. 2, p 2100-73, (May 2004). The MPEP states "The identical invention must be shown," for an anticipation rejection. The MPEP does not say or suggest that the reference can be selectively edited to arrive at the invention.

The prior art cited section, in full, stated:

During a print operation, CPU 12, in conjunction with the printer personality software, places a call for a specific character to be used in the print action. In response, character cache 26 is searched to determine if the requested character is in cache 26.

The search is carried out by examining a linked list of character ID structures in character cache 24 to determine if an entry is present with an identical value to the character ID of the character being searched. To conserve search time, character IDs may be distributed into regions in accordance with a hash table. Each hash table entry includes a pointer to a linked list of a span of character IDs in a region. A received character ID is segregated into a region and only that region is searched. (Emphasis Added.)

If a match is found by the search, a pointer to character cache 26 is returned which indicates the address of the character record. If a match is not found, a null pointer is returned, signifying that the character is not in character cache 26 and must be accessed from font outline data in ROM 22.

The selective editing leaves out that, as repeatedly been pointed out, that Cahoon explicitly teaches how the search is carried out, and it is not on the bitmap. It is done on "a linked list of character ID structures." The comments and reasoning in the rejection contradict the explicit teachings of the reference and so could not support an obviousness rejection let alone an anticipation rejection. If the Examiner again repeats the rejection, the Examiner is respectfully requested to cite to the MPEP or case law that provides a rationale for disregarding the explicit teachings of the reference.

Moreover, a linked list of character ID structures teaches away from

comparing dimensions of a bitmap itself, representing an image selected for display on the output device, with dimensions of bitmaps stored in a cache

Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 1.

Applicant respectfully traverses the anticipation rejection of Claims 2 to 5 and 10. Claims 2 to 5 and 10 include the novel features of Claim 1, and so distinguish over Cahoon for at least the same reasons as Claim 1. Applicant

respectfully requests reconsideration and withdrawal of the anticipation rejection of Claims 2 to 5 and 10.

Claims 6 to 9 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,592,594 to Cahoon in view of U.S. Patent No. 5,515,081 to Vasilik. In the original rejection, the Examiner stated in part:

. . . Vasilik **discloses** (emphasis in original) in the realm of bitmaps being employed for software developments whereby object modules are linked with other object modules similar to the linked list data structure having length elements.

In continuing the rejection, the Examiner stated in part:

the specification on page 5, lines 5-37 details different embodiments of the instant invention, namely, one embodiment details a **unique identifier** to a bit map; another embodiment details multiple appearance [Sic] of an image being stored only once conserving space; user of this **unique identifier** for retrieval from the cache, which Vasilik tries to solve similarly by reducing the number of bitmap files (col. 2, lines 59-64). (Emphasis added.)

Applicant continues to traverse the obviousness rejection. Again, the Examiner simply repeated the comments from the final office action without addressing the multiple points made in the preliminary amendment.

Claim 6 recites:

. . . the cache comprises a linked list data structure having length elements.

Thus, the cache includes a linked list data structure with length elements. A linked list data structure of length elements is not the "unique identifier" cited by the Examiner's as forming a basis for continuing the rejection. The Examiner reliance upon a unique identifier and the repetitive reliance on this without addressing the issues raised by Applicant goes

against the MPEP. Claim 6 recites "length elements" and not "unique identifier." The use of "unique identifier" instead of the explicit claim limitation and citation to part of the specification that does not reference "length elements" shows that the proper claim interpretation has not been done.

The MPEP requires:

Office personnel must first determine the scope of a claim by thoroughly analyzing the language of the claim before determining if the claim complies with each statutory requirement for patentability. (Emphasis in original.)

MPEP § 2106 C., 8th Ed., Rev. 2, p 2100-7, (May 2004).

The MPEP further requires:

Office personnel are to correlate each claim limitation to all portions of the disclosure that describe the claim limitation. This is to be done in all cases, i.e., whether or not the claimed invention is defined using means or step plus function language. The correlation step will ensure that Office personnel correctly interpret each claim limitation.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined

MPEP § 2106 C., 8th Ed., Rev. 2, p 2100-8, (May 2004).

If the Examiner continues to reject Claim 6 based upon unique identifiers, the Examiner is respectfully requested to provide with specificity the basis for doing so.

Moreover, failing to consider the specific claims limitations reduces the claim to a "gist," which is explicitly proscribed by the MPEP.

Next, the Examiner stated:

Regarding applicant's submission that "typically, a printer is not used to link object modules", Examiner

finds this observation lacking in context. . . . is clear in pointing to the anticipated and obviousness type rejection without addressing or remotely suggesting printer being used to link object modules.

This comment again demonstrates that the standards of the MPEP are not being considered or followed. Cahoon describes a process that is implemented in a printer. The Examiner has combined the references and stated that it would be obvious to use aspects of Valik in the process of Cahoon, which is a process in a printer. Thus, above comments are strong evidence that the Examiner is not considering the teaching of Cahoon as a whole as required by the MPEP, but instead as considered the teaching of the reference in the abstract, e.g., not associated with a process performed in a printer.

The MPEP requires:

THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF
OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

MPEP §2143.01, Rev. 1, p. 2100-127 (Feb. 2003).

Therefore, according to the MPEP, a modification cannot be made to Cahoon, if the modification changes the principle of operation of Cahoon. The principle of operation is driving a printer. Therefore, the Examiner comments themselves demonstrate that this section of the MPEP has not been complied with, because the Examiner has failed to show how linking objects modules would have anything to do with a process used in a printer. Moreover, the Examiner failed to address the

issues concerning the failure of the prior actions to comply with the requirements of other sections of the MPEP, and so this action is incomplete. Applicant incorporates herein by reference the comments from the amendment filed with the RCE concerning the obviousness rejection and the requirements presented in the MPEP.

Moreover, the linked list cited by the Examiner is used to determine which element to remove from the cache of Cahoon. Specifically, Cahoon taught:

Next, character caching procedure 23 is called and implements a character replacement algorithm which determines if there is room to put new character data in character cache 26 and if not, to make room in character cache area 26 for the new character data.

Cahoon, Col. 3, lines 19 to 23.

A further data structure employed by character caching procedure 23 is doubly linked character list 30 maintained in RAM 24. Linked character list (LCL) 30 comprises a listing of character IDs from the most recently used character to the least recently used character. Each time a character is used, it's character ID 40 is moved to the top of LCL 30 and all other character ID's are moved down. Character caching procedure 23 employs LCL 30 to determine which character data is to be removed from character cache 26.

Cahoon, Col. 3, lines 33 to 41.

The linked character list of Cahoon has nothing to do with lengths or length elements and is instead a list of character IDs linked based upon usage. Moreover, the elements of the list are not length elements but a list of character IDs. Replacing the character IDs with sizes encoded in the bitmaps of Vasilik would require a modification of Cahoon. Each character ID is unique according to Cahoon, but encoded sizes of bitmaps, as selectively extracted from Vasilik, are not

necessarily unique. The Examiner has failed to explain how the encoded size information of Vasilik would be used in the linked list of Cahoon to determine the least recently used bitmap.

Finally, even if the Examiner's characterization of the teachings of Vasilik is correct, the characterization fails to correct the deficiency in the primary reference as noted above with respect to Claim 1 and incorporated herein by reference. Therefore, Claim 6 is patentable over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 6.

Claims 7 to 9 depend from Claim 6 and so distinguish over the combination of references for at least the same reason as Claim 6. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claims 7 to 9.

Claim 11 stands rejected as anticipated for the same reason as Claim 1. Claim 11 includes the language quoted above with respect to Claim 1. Therefore, the above remarks concerning Claim 1 are directly applicable to Claim 11 and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 11.

Applicant respectfully traverses the anticipation rejection of Claims 12 to 15 and 20. Claims 12 to 15 and 20 include the novel features of Claims 11, and so distinguish over Cahoon for at least the same reasons as Claim 11. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of Claims 12 to 15 and 20.

Claim 16 stands rejected as obvious for the same reason as Claim 6. Claim 16 includes the language quoted above with respect to Claim 6. Therefore, the above remarks concerning Claim 6 are directly applicable to Claim 16 and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the obviousness rejection of Claim 16.

Applicant respectfully traverses the obviousness rejection of Claims 17 to 19. Claims 17 to 19 depend from Claim 16 and so distinguish over the combination of references for at least the same reason as Claim 16. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claims 17 to 19.

Claim 21 stands rejected as anticipated for the same reason as Claim 1. Claim 21 includes the language quoted above with respect to Claim 1. Therefore, the above remarks concerning Claim 1 are directly applicable to Claim 21 and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 21.

Applicant respectfully traverses the anticipation rejection of Claim 22. Claim 22 includes the novel features of Claim 21, and so distinguishes over Cahoon for at least the same reasons as Claim 21. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of Claim 22.

In the anticipation rejection of Claim 23, the Examiner stated "Regarding claim 23, it is similar in scope to claim 4 above and is rejected under the same rationale." In the rejection of Claim 4, the Examiner originally stated:

. . . Cahoon **discloses** (emphasis in original) wherein said method further comprises: including the unique identifier of a bitmap stored in the cache in a file (character data structure, Figure 2...character data is stored in the form...col. 2, lines 58-65) sent to an output device(printer 10).

In continuing the rejection, the Examiner stated:

. . . cache structure stores file structure and thus any operations or processing being performed at the cache level corresponds to a file structure being manipulated.

. . . Cahoon suggests at printer operation's commencement, the operation system allocating memory and

making adjustment for different font sizes which would accommodate width and length element associated with bitmap.

Applicant respectfully traverses the anticipation rejection of Claim 23. The Examiner's attention is called to the above quotation from the MPEP with respect to the requirements for an anticipation rejection.

Claim 23 recites in part

a cache section including at least one bitmap associated with a unique identifier; and

a data section including a plurality of occurrences of the one unique identifier associated with the at least one bitmap in the cache section, wherein each occurrence of the unique identifier is associated with a specified position, and for each occurrence of the unique identifier in the data section, an image represented by the bitmap associated with the unique identifier is displayed on an output device in the specified position.

As noted above, "The identical invention must be shown in as complete detail as is contained in the ... claim" must be described by Cahoon. In continuing the rejection, the Examiner made the same generalized statement as previously presented "cache structure stores file structure" that might be true in some instances. This comment was specifically rebutted. Cahoon describes the structure of Fig. 2 as a "character record" and not a file.

Moreover, even if cache 26 is taken as the cache section of a file, the Examiner has failed to explain where the data section as recited in Claim 23 is taught by Cahoon. Neither the original rejection as quoted above nor the justification for continuing the rejection cites any teaching in Cahoon of "a data section including a plurality of occurrences of at least one unique identifier . . ." Each character ID in the cache of Cahoon is unique as described by Cahoon (See Col. 2, line 59)

and so the examiner cannot segregate parts of the character record to arrive at the data section as recited in Claim 23.

The action of the printer operating system in setting the size of memory for the cache of Cahoon is simply unrelated to the elements recited in Claim 23. Similarly, the original rejection states the cache data of Cahoon is sent to a "printer 10." Again, the cache is shown as being in "printer 10" and so this statement is inconsistent with the teachings of the reference. The Examiner has failed to show any file with the format recited in Claim 23. Therefore, the Examiner has failed to establish that Cahoon teaches exactly the structure recited in the Claim 23. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 23.

Claims 1 to 23 remain in the application. Claims 1, 11, and 21 have been amended. For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 20, 2004.



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September 20, 2004

Date of Signature

Respectfully submitted,



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